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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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Matthew Smith, pka Matt Heart,	:	Case No. 3:11CV00348
Plaintiff,	:	Hon. James G. Carr
vs.	:	
Summit Entertainment, LLC,	:	<b>STATUS REPORT OF DEFENDANT</b>
Defendant.	:	<b>AND COUNTERCLAIMANT SUMMIT</b>
	:	<b>ENTERTAINMENT, LLC</b>
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Summit Entertainment, LLC,	:	
Counterclaimant,	:	
vs.	:	
Matthew Smith, pka Matt Heart and Alec Chase,	:	
Counterdefendants.	:	

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Defendant and Counterclaimant Summit Entertainment, LLC ("Summit"), by and through its attorneys, hereby submits this Status Report pursuant to the Court's Order dated April 3, 2013 (Docket No. 98).

## **I. STATUS OF THE CASE**

On April 3, 2013, the parties participated in a telephonic conference with the Court concerning scheduling issues. (Docket No. 98.) During that call, Summit informed the Court that it was having difficulties obtaining additional information from non-party You Tube, LLC, which is owned by Google, Inc. (collectively "Google") in connection with an Affidavit that Google voluntarily provided to Plaintiff and Counterdefendant Matthew Smith, pka Matt Heart ("Smith"). Since that time, Summit has continued to consider ways in which it may obtain the information it needs without having to resort to motion practice. There is no alternative. Therefore, Summit was forced to file a motion to compel against Google in the U.S. District Court for the Northern District of California in order to obtain that information. That motion is pending. The hearing on that motion, should the Court deem it necessary, is currently scheduled for June 18, 2013.

Since the time of the parties' call with the Court on April 3, 2013, Summit also received a third set of document requests from Smith. Those requests can be traced back to a series of questions that Smith's counsel asked of Summit's witnesses in December 2012. Even though Smith asked Summit's witnesses to produce documents related to his inquiry, he repeatedly ignored Summit's request for the specific document requests to which such documents might relate. Smith's third set of document requests sought to address this omission. Summit served its responses to Smith's third set of document requests on May 15, 2013, and filed a Notice of Service of such responses on May 15, 2013 (Docket No. 100).

Other than the completing Google's deposition, Summit believes that discovery should be substantially completed.

## **II. REVISED SCHEDULING ORDER REQUESTED**

In light of the foregoing history and background, Summit respectfully proposes, and requests that the Court adopt, the following schedule in this case:

<b>Event</b>	<b>Proposed Dates</b>
Last day to complete discovery, including expert discovery, re summary judgment	7/5/13
Last day to file dispositive motions All scanned briefs to be simultaneously sent to <a href="mailto:Amy_L_Schroeder@ohnd.uscourts.gov">Amy_L_Schroeder@ohnd.uscourts.gov</a>	7/19/13
Last day to file any opposition or counter-dispositive motions All scanned briefs to be simultaneously sent to <a href="mailto:Amy_L_Schroeder@ohnd.uscourts.gov">Amy_L_Schroeder@ohnd.uscourts.gov</a>	8/16/13
<u>Last day to file:</u> 1) any opposition to any counter-dispositive motions 2) any reply to dispositive motions All scanned briefs to be simultaneously sent to <a href="mailto:Amy_L_Schroeder@ohnd.uscourts.gov">Amy_L_Schroeder@ohnd.uscourts.gov</a>	8/30/13
Last day to file any reply to any counter-dispositive motions (notice of intent not to file a reply should be filed in lieu of reply) All scanned briefs to be simultaneously sent to <a href="mailto:Amy_L_Schroeder@ohnd.uscourts.gov">Amy_L_Schroeder@ohnd.uscourts.gov</a>	9/13/13
Last day for discovery (other than summary judgment discovery), including expert discovery, to be completed	10/18/13
Final settlement and pretrial conference to be held by Magistrate Judge Knepp at a date and time convenient for the Magistrate Judge, counsel and parties	11/15/13 - 11/29/13
Voir dire to be conducted before U.S. Magistrate Judge James R. Knepp, II	12/10/13 at 8:30 a.m.
Jury Trial	12/10/13 at 1:30 p.m.

### III. CONCLUSION

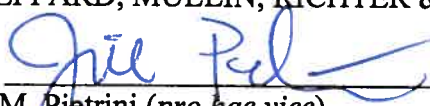
Based on the foregoing, Summit requests that the Court adopt the schedule above as the scheduling order in this case.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Dated: May 15, 2013

By:

  
Jill M. Pietrini (*pro hac vice*)

Ryan S. Hilbert (*pro hac vice*)

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*Counsel for Defendant and Counterclaimant*

*Summit Entertainment, LLC*

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The foregoing request is **APPROVED/DENIED**, and it is so **ORDERED**.

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Date

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JUDGE JAMES G. CARR

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